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FACSIMILE COVER SHEET

TO: Examiner E. Colbert
U.S. Patent and Trademark Office

FROM: Frank L. Cire, Reg. No. 42,419

RE: U.S. Application No. 09/161,401
Atty. Docket No. 00862.002471.

FAX NO.: 571-273-8300

DATE: February 13, 2006 **NO. OF PAGES:** 5
(including cover page)

TIME: 2:05 pm **SENT BY:** SA

MESSAGE

Examiner Colbert:

Further to our telephone conversation of earlier today, attached is a copy of the postcard which accompanied our Response To Restriction Requirement With Traverse. (A copy of the Response is also attached.) The postcard bears a PTO stamp indicating a December 15, 2004 date of receipt.

Frank L. Cire

IF YOU DO NOT RECEIVE ALL THE PAGES
PLEASE CALL 714-540-8700 AS SOON AS POSSIBLE.

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Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date 12.14.04
Atty. Docket 00862
Application No. 09/161,401

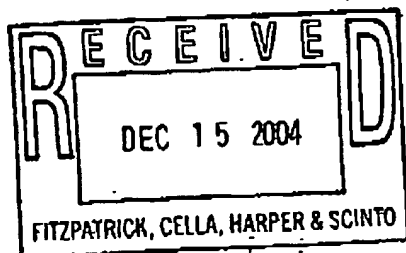
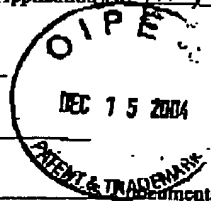
Sir,

Kindly acknowledge receipt of the accompanying:

- ☒ Response to Official Action. (Restr. Req.)
- ☐ Check for \$ _____ (claims fee)
- ☐ Petition under 37 CFR 1.136 and Check for \$ _____
- ☐ Notice of Appeal and Check for \$ _____
- ☐ Information Disclosure Statement, PTO-1449 and _____
- ☐ Claim for priority and certified copies of _____ priority applications
- ☐ Issue fee transmittal and Check for \$ _____
- ☐ Other (specify) _____

by placing your receiving date stamp hereon and returning to deliverer

Atty. FLC/3a Due Date 12.15.04



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00862.022471.

FEB 13 2006

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: E. Colbert
MITSUMASA SUGIYAMA)
: Group Art Unit: 3624
Application No.: 09/161,401)
: Filed: September 28, 1998)
: For: DATABASE SYSTEM, ITS)
: CONTROL METHOD, AND)
: INFORMATION PROCESSING)
: APPARATUS)
: December 14, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT
WITH TRAVERSE

Sir:

In response to the restriction requirement set forth in the Office Action dated November 15, 2004, Applicant again provisionally elects Group I, namely, Claims 1, 3 to 6, 12, 14 to 17, 23, 26 and 29, allegedly drawn to database access, classified in class 707, subclass 102. This election is made with traverse.

An application may be properly required to be restricted to one of two or more claimed inventions only if the inventions are able to support separate patents and they are either independent or distinct. MPEP § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. MPEP § 803.

"The term 'distinct' means that two or more subjects as disclosed are related, for example, as combination and part (sub-combination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed and are patentable (novel and unobvious) over each other (though they may each be unpatentable because of the prior art)." MPEP § 802.01.

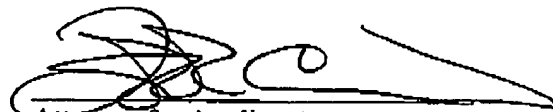
In this regard, Applicant again respectfully submits that the claims of Groups I to IV are all generally directed to operations for a distributed database system. Since all claims are generally directed to a same technical field, Applicant respectfully submits that two-way distinctness is not seen to be present among the claims of Groups I to IV. MPEP § 806.05(c).

In addition, "(b)efore making a restriction requirement after the first action on the merits, the Examiner will consider whether there will be a serious burden if restriction is not required." MPEP § 811. Applicant submits that the search and examination of all pending claims of Groups I to IV can be made without serious burden, and therefore restriction is believed to be improper. MPEP § 803. Specifically, the claims of Groups I to IV are all directed to a similar field of art as described above and have been previously searched as a single group. Accordingly, Applicants respectfully submit that concurrent search and examination of all claims of Groups I to IV can be made without serious burden.

Based on the foregoing remarks, Applicant respectfully requests reconsideration and withdrawal of the restriction requirement, so that there may be a concurrent examination of all currently-pending claims of Groups I through IV.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicant

Frank L. Cire

Registration No. 42,419

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